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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TONY CHENG,

Plaintiff,

No. C 13-02641 JSW

v.

SCHLUMBERGER,

Defendant.

**ORDER RE MOTION FOR
PERMISSION TO APPEAL**

On November 6, 2013, Plaintiff filed a Motion for Permission to Appeal this Court's Order transferring this case to the United States District Court for the Southern District of Texas, Houston Division. (Docket No. 107. Pursuant to the docket in this case, the Southern District of Texas received this case on or about November 4, 2013.

In general, an order transferring venue is not an appealable order. *See Varsic v. United States District Court for the Central District of California*, 607 F.2d 245, 251 (9th Cir. 1979) (considering issue on writ of mandamus and noting that order transferring venue is not a final appealable order). To the extent Plaintiff asks this Court to certify its Order for interlocutory appeal, pursuant to 28 U.S.C. Section 1292(b), because the case has been transferred, it is not clear that the Court has jurisdiction to make such a ruling. If Plaintiff seeks relief from this Court's transfer Order, he should direct any such requests for relief to the United States Court of Appeals for the Ninth Circuit.

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1 **The Court expressly notes that it expresses no opinions on the merits of Plaintiff's
2 request for relief from the transfer Order, and Plaintiff should not construe this Order as
3 "implicit" permission to seek such relief.**

4 **IT IS SO ORDERED.**

5 Dated: November 6, 2013

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8 **JEFFREY S. WHITE**
9 UNITED STATES DISTRICT JUDGE